

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CR. NO. 20-1370 KWR

JULIAN LUCAS GARCIA, III,

Defendant.

DEFENDANT'S PROPOSED JURY INSTRUCTIONS

Defendant, Julian Garcia, respectfully requests that the Court include the following instructions in its charge to the jury, and further requests permission to include any additional instructions as may become appropriate during trial.

Respectfully submitted,

/s/ Robert J. Gorence
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 27th day of August, 2021, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Alexander Flores, Attorney for United States
(alexander.flores@usdoj.gov)

/s/ Robert J. Gorence
Robert J. Gorence

DEFENDANT'S REQUESTED INSTRUCTION NO. 1

For you to find the defendant guilty of driving while under the influence of intoxicating liquor as charged in Count 2, the government must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

1. The defendant operated a motor vehicle;
2. At the time, the defendant was under the influence of intoxicating liquor, that is, as a result of drinking liquor the defendant was less able to the slightest degree, either mentally or physically, or both, to exercise the clear judgment and steady hand necessary to handle a vehicle with safety to the person and the public;
3. This happened in New Mexico, on or about the 4th day of July, 2019.

Source: 14-4501. Driving while under the influence of intoxicating liquor; essential elements. New Mexico Uniform Jury Instructions – Criminal, NMRA Rule 14.

DEFENDANT'S REQUESTED JURY INSTRUCTION NO. 2

For you to find the defendant guilty as charged in Count 3, the government must prove to your satisfaction beyond a reasonable doubt each of the following elements of the crime:

- A. A person shall not operate an off-highway vehicle on any:
 - (1) limited access highway or freeway at any time
- B. A person shall not operate an off-highway motor vehicle:
 - (1) in a careless, reckless or negligent manner so as to endanger the person or property of another;
 - (2) while under the influence of intoxicating liquor or drugs as provided by Section 66-8-102 NMSA 1978;
 - (3) when conditions such as darkness limit visibility to five hundred feet or less, unless the vehicle is equipped with:
 - (a) one or more headlights of sufficient candlepower to light objects at a distance of one hundred fifty feet.

Source: NMSA §§ 66-3-1010.3A, Operation and equipment; safety requirements, and 66-3-1011, Operation on streets or highways; prohibited areas.